



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.2181 OF 2023 (GM-KEB)

C/W

WRIT PETITION NO.5816 OF 2023 (GM-KEB)

IN W.P. NO.2181/2023

BETWEEN:

1. THE EXECUTIVE ENGINEER (ELECTRICAL)
MAJOR WORKS DIVISION,
KPTCL, SANTHEPETE,
HASSAN-573201.
2. KARNATAKA POWER TRANSMISSION
CORPORATION LIMITED,
REPRESENTED BY ITS CHIEF ENGINEER
KPTCL, CAUVERY BHAVAN,
POST BOX NO.9990,
K.G. ROAD, BANGALORE
BENGALURU.

...PETITIONERS

(BY SMT. SHUBHA S., ADVOCATE)

AND:

1. SRI KUMARA A.D.
S/O DODDEGOWDA,
AGED ABOUT 38 YEARS,
R/O ARALAPURA VILLAGE,
KASABA HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT-573201.





2. THE DEPUTY COMMISSIONER
HASSAN DISTRICT
HASSAN-573201.

...RESPONDENTS

(BY SRI PRATHEEP K.C., ADVOCATE FOR C/R-1;
SMT. RASHMI RAO, HCGP FOR R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ALLOW THE WRIT PETITION; QUASHING THE JUDGMENT AND AWARD DATED 04/11/2022 PASSED BY THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN (SITTING AT CHANNARAYAPATNA AT HASSAN) IN MISCELLANEOUS NO.64/2019 (ANNEXURE-A).

IN W.P. NO.5816/2023

BETWEEN:

KUMARA A.D.
S/O LATE DODDEGOWDA
AGED ABOUT 42 YEARS,
R/AT ARALAPURA VILLAGE,
KASABA HOBLI,
CHANNARAYAPATTNA TALUK,
HASSAN DISTRICT-34.

...PETITIONER

(BY SRI PRATHEEP K.C., ADVOCATE)

AND:

1. EXECUTIVE ENGINEER
MAJOR WORKS DIVISION,
KPTCL, SANTHEPETE
HASSAN-01.
2. KARNATAKA POWER TRANSMISSION CORP. LTD.,
REP. BY ITS CHIEF ENGINEER,
KPTCL, CAUVERY BHAVAN
POST BOX NO.9990
K.G. ROAD, BENGALURU-01.



NC: 2026:KHC:23018
WP No. 2181 of 2023
C/W WP No. 5816 of 2023

3. DEPUTY COMMISSIONER,
HASSAN DISTRICT,
HASSAN-01.

...RESPONDENTS

(BY SMT. SHUBHA S., ADVOCATE FOR R-1 & R-2;
SMT. RASHMI RAO, HCGP FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 04.11.2022 PASSED IN MISC.NO.64/2019 (ANNEXURE-A) DATED 04.11.2022 ON THE FILE OF IV ADDITIONAL DISTRICT AND SESSIONS JUDGE AT HASSAN (SITTING AT CHANNARAYAPATTANA) AND ALLOW THE MISCELLANEOUS PETITION AS PRAYED FOR BY MODIFYING THE COMPENSATION IN INTEREST OF JUSTICE AND EQUITY AND ETC.

THESE PETITIONS COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

These writ petitions arise out of the common judgment and award dated 04.11.2022 passed in Misc.No.64/2019 on the file of the IV Additional District and Sessions Judge, Hassan (Sitting at Channarayapatna) ('Trial Court' for short), and are taken up together for consideration.

2. W.P.No.2181/2023 is preferred by the KPTCL challenging the enhancement of compensation, whereas



W.P.No.5816/2023 is filed by the claimant seeking further enhancement.

3. The controversy, in both the writ petitions, revolves around the determination of compensation for the land affected by drawing of transmission lines, which falls within the framework of the Indian Telegraph Act, 1885 ('Telegraph Act' for short).

4. The parties are referred to as per the rank in W.P.5816/2023.

Brief facts:

5. The petitioner-claimant is the owner of agricultural lands bearing Sy.Nos.78 and 99 situated at Haralapura Village, Channarayapatna Taluk, Hassan District. The respondent-KPTCL has drawn a 66 KV high tension transmission line over the said lands, affecting portions classified as tower area and corridor area. The competent authority initially awarded compensation of about ₹3,27,740/-. Prior thereto, the Deputy



Commissioner, upon reference, indicated valuation based on sales statistics, including a rate at ₹294/- per square feet and also granted a lump sum amount towards trees and damages. Being dissatisfied with the compensation awarded by the authority, the claimant filed proceedings under Section 16 (3) of the Telegraph Act before the Trial Court in Misc.No.64/2019. The Trial Court, by its judgment dated 04.11.2022, enhanced the compensation to ₹35,68,526/-, which has given rise to the present writ petitions, one by the KPTCL seeking reduction and other by the claimant seeking further enhancement.

6. Learned counsel for the petitioner-claimant submits that the compensation awarded by the Trial Court is inadequate and requires further enhancement. It is contended that the Deputy Commissioner has fixed the value at ₹294 per square feet, which ought to have been adopted as the basis for determining compensation for both tower and corridor area, and that there cannot be a distinction in rate as sought to be made by the KPTCL. It is



further submitted that the land in question has a high potential value, being situated in proximity of National Highway and within Municipal limits, and therefore the valuation adopted by the Trial Court at ₹1,06,705/- per gunta is on the lower side. It is further contended that the compensation awarded towards trees and crops is inadequate and do not reflect the actual loss suffered. On these grounds, it is urged that the award calls for further enhancement.

7. Learned counsel for the respondent-KPTCL submits that the impugned award is wholly unsustainable in law. It is contended that the Trial Court has erred in applying the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('2013 Act' for short), though the present case does not involve acquisition but only imposition of right of user under the Telegraph Act. It is further submitted that the Court below has wrongly adopted 50% diminution value for the corridor area,



whereas, as per the settled law the same ought to be restricted to 30%. It is further contended that the Trial Court has failed to properly appreciate the Deputy Commissioner's order and has not recorded a clear finding as to the applicability of the rate at ₹294 per square feet. It is further urged that the valuation of coconut trees is erroneous, inasmuch as only 4 trees are mature trees and remaining 26 are saplings, but the Court below has treated them uniformly, thereby inflating the compensation. On these grounds, it is submitted that the award requires to be set aside.

8. This Court has carefully considered the submissions and perused the material on record. The point that arises for consideration is:

"Whether the impugned judgment and award passed by the Trial Court warrants any interference by this Court?"

9. The Trial Court partly allowed the claim petition and enhanced the compensation from ₹3,27,740/- to



₹35,68,526. The Trial Court adopted ₹1,06,705 per gunta as the base market value, applied 50% diminution and further invoked the provisions of the 2013, Act by applying multiplier and solatium. The Trial Court also treated the coconut trees as fruit bearing trees and determined compensation accordingly, apart from granting compensation towards crops and other damages.

10. At the outset, it is to be stated here that the present case arises under the Telegraph Act. The powers of the telegraph authority is conferred by Sections 10, 15 and 16 of the Telegraph Act. Sections 10, 15 and 16 reads as under :

"10. Power for telegraph authority to place and maintain telegraph lines and posts.— *The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon, any immovable property:*

Provided that—



(a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Central Government, or to be so established or maintained;

(b) the Central Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post; and

(c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and

(d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers."

xx xx xx



"15. Disputes between telegraph authority and local authority.— (1) *If any dispute arises between the telegraph authority and a local authority in consequence of the local authority refusing the permission referred to in section 10, clause (c), or prescribing any condition under section 12, or in consequence of the telegraph authority omitting to comply with a requisition made under section 13, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by such officer as the Central Government may appoint either generally or specially in this behalf.*

(2) An appeal from the determination of the officer so appointed shall lie to the Central Government; and the order of the Central Government shall be final."

"16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.— (1) *If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.*



(2) If, after the making of an order under sub-section (1), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under section 188 of the Indian Penal Code, 1860 (45 of 1860).

(3) If any dispute arises concerning the sufficiency of the compensation to be paid under section 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.

(4) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.



(5) Every determination of a dispute by a District Judge under sub-section (3), or sub-section (4) shall be final:

Provided that nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telegraph authority, from the person who has received the same..."

11. Section 10 of the Telegraph Act empowers the telegraph authority to place and maintain a telegraph line under, over, along or across, and posts in or upon, any immovable property. Sub-clause (b) of Section 10 of the Telegraph Act provides that while acquiring the power to lay down telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, sub-clause (d) of Section 10 of the Telegraph Act obliges the telegraph authority to ensure that it causes as little damage as possible and that the telegraph authority shall also be obliged to pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers. The Apex Court in



the case of **Power Grid Corporation of India Limited vs Century Textiles and Industries Limited and Others¹** (*Power Grid Corporation*) has held at para 23 as under :

"23) Section 10 of the Indian Telegraph Act, 1885 empowers the Telegraph Authority to place and maintain a telegraph line under, over, along or across and posts in or upon any immovable property. The provision of Section 10(b) of the Indian Telegraph Act, 1885 makes it abundantly clear that while acquiring the power to lay down telegraph lines, the Central Government does not acquire any right other than that of user in the property. Further, Section 10(d) of the Indian Telegraph Act, 1885 obliges the Telegraph Authority to ensure that it causes as little damage as possible and that the Telegraph Authority shall also be obliged to pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers."

12. Therefore, from the provisions stated supra and the decision of the Apex Court in the case of **Power Grid Corporation**, it is well settled that under the

¹ (2017) 5 SCC 143



Telegraph Act there is no acquiring of any right other than that of user in the property and therefore the provisions of the Act, 2013 are not applicable and the application of multiplier and solatium by the Trial Court is legally unsustainable.

13. Insofar as awarding of 50% of the diminution value for the corridor area, the law is well settled as per decision of the Co-ordinate Bench of this Court in the case of ***Executive Engineer and Another Vs Doddakka (Doddakka)***², which reads as under:

"24. As regards the diminution value of the land falling within the corridor, the learned District Judge having determined the market value of the land has awarded 50% of the same as diminution value. It cannot be disputed that though the farmer is not capable of growing trees underneath the corridor, he is not totally deprived of utilizing the land for carrying out other agricultural operations. He is entitled to grow other crops, which may not affect the high voltage transmission line. Though the farmer is deprived of the opportunity to utilize

² W.P. 39979/2013 disposed of on 06.08.2014



the land to its full potential and grow horticulture crops, particularly consisting of trees and other luxurious shrubs, he is capable of utilizing the land. The title of the land continues to vest in him. It is, no doubt, true that his access to the land and use of the same by erecting any pole, shed or any other installation will be restricted. In a case like this where high voltage transmission line is drawn across the land, utilization of the other portion of the land is also affected. Therefore, all these factors have to be taken into consideration before determining the diminution in the land value on account of drawing of high voltage electrical line. If these relevant factors are borne in mind, particularly having regard to the photographs produced and the evidence adduced by the claimant – land owner, I find that 30% of the market value of the area affected shall have to be paid as diminution value of the land to the farmer.

25. *The market value of the land has been determined at Rs.2,00,000/- per acre based on the evidence on record, particularly the certificate issued by the Sub Registrar. There is no scope to interfere with the valuation of the market value made by the learned District Judge. Therefore, the only modification that can be made in awarding the diminution value is that instead of 50% of the*



market value awarded by the learned District Judge, it has to be calculated at 30%. If so done, the diminution value of the land comes to Rs.42,705/- (Rs.5,000/- per gunta X 28.47 guntas X 30/100 =42,705/)"

14. The diminution value has to be restricted to 30% and, on that ground as well the determination by the Trial Court is unsustainable.

15. Insofar as valuation of coconut trees is concerned, the Trial Court calculated compensation without clearly distinguishing between mature yielding trees and saplings, though the case of the respondent-KPTCL was that only 4 coconut trees were mature trees and remaining 26 were saplings. The Trial Court has not properly appreciated and failed to distinguish between the mature yielding trees and saplings while determining compensation.

16. Insofar as the valuation is concerned, the claimant relies upon the Deputy Commissioner's valuation of ₹294/- per square feet and contends that the same



applies uniformly to both tower area and corridor areas. On the other hand, the KPTCL disputes the same and contends that said rate, cannot be applied mechanically to the entire affected extent. However, the trial Court has not recorded any clear findings as to whether the Deputy Commissioner intended the rate of ₹294 per square feet to apply uniformly to both tower and corridor areas or only to a restricted portion of the land. Further, while referring to the Deputy Commissioner's order, the Trial Court has proceeded to adopt ₹1,06,705/- per gunta as the base value, but without clearly explaining the derivation of the said figure or the basis for not adopting ₹294 per square feet directly. Thus, the very basis for valuation remains uncertain. Therefore, the impugned award passed by the Trial Court is unsustainable on these three grounds:

- i. Applying 2013, Act for determination of compensation to the proceedings which are admittedly under the Telegraph Act.



- ii. The diminution value is incorrectly fixed at 50% instead of 30% and;
- iii. The basis of valuation adopted by the Trial Court is not clearly forthcoming.

17. In the absence of a clear and consistent determination of the applicable rate and method of calculation, the compensation awarded rests on an uncertain foundation and therefore necessitates reconsideration. Accordingly, the point framed for consideration is answered and this Court pass the following:

ORDER

- i. The writ petitions are ***allowed in part.***
- ii. The judgment and award dated 04.11.2022 passed in Misc.No.64/2019 by the IV Additional District and Sessions Judge, Hassan (Sitting at Channarayapatna) is ***set aside.***
- iii. The matter is remitted back to the Trial Court for fresh consideration and disposal in accordance with law.



- iv. The Trial Court shall re-determine:
 - a. The correct base market value of the property appreciating the Deputy Commissioner's order including the scope of ₹294/- per square feet.
 - b. Apply the correct principles under the Indian Telegraph Act, 1885 without invoking the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
 - c. Re-determine compensation for tower area and corridor area keeping in view the settled position that the diminution value is reasonably assessed normally around 30%.
 - d. Reassess the valuation of trees and crops by properly distinguishing between mature trees and saplings.
- v. All the contentions of both parties are kept open.
- vi. The Trial Court shall dispose of the matter as expeditiously as possible, preferably within four



(4) months from the date of receipt of the copy of this order.

vii. Amount, if any, already deposited shall be subject to the result of the fresh adjudication.

Liberty is reserved to the claimant to seek refund of Court fee paid before the Trial Court, if so advised, in accordance with law.

Sd/-

JUSTICE K.S. HEMALEKHA

AT

List No.: 1 Sl No.: 32